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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/826,157-Conf. #4012	
	Filing Date	April 4, 2001	
	First Named Inventor	John J. Hart, III	
	Art Unit	2137	
	Examiner Name	M. J. Pyzocha	
Total Number of Pages in This Submission	4	Attorney Docket Number	E0366.70005US00

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Response to Non-compliant Appeal Brief; Return Receipt Post Card</b>
<div>Remarks</div>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

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Date	May 29, 2007	Reg. No.	32,950

**Certificate of Mailing Under 37 CFR 1.8(a)**

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Dated: 5/29/07

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Docket No.: E0366.70005US00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John J. Hart, III et al.  
Serial No.: 09/826,157  
Confirmation No.: 4012  
Filed: April 4, 2001  
For: METHOD AND SYSTEM FOR DATA DELIVERY AND  
REPRODUCTION  
Examiner: M. J. Pyzocha  
Art Unit: 2137

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Dated: 5/29/07

*Trish McDonald*  
TRISH McDONALD

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed April 30, 2007, Applicants provide the enclosed addition to the Summary of the Claimed Subject Matter in accordance with M.P.E.P. 1205.03(B).

## **SUMMARY OF CLAIMED SUBJECT MATTER**

### **A) Independent Claim 112**

Claim 112 relates to a method of watermarking title data with identification data (page 30, lines 16-22; Fig. 6). The method includes identifying a plurality of placement locations based on characteristics of the title data (page 30, lines 22-28; Fig. 6, element 114). From these possible placement locations, a plurality of placement locations are selected (page 31, lines 28-29; Fig. 6, element 118). Number to frequency modulation relationships are also selected (page 31, lines 23-25; Fig. 6, element 122). The selected relationships are used for frequency modulating the title data at the selected placement locations (page 32, line 31-page 33 line 6; Fig. 6, element 126).

### **B) Independent Claim 133**

Claim 133 relates to computer readable medium, such as a DVD (page 28, line 4, shown within delivery device 18 in Fig. 1). A computer readable medium contains title data that is watermarked with an identification code (page 30, line 22). A plurality of placement locations (page 30, line 29-30). Modulation schemes are selected, creating a random relationship between the identification code and modulation at each of the plurality of locations (page 31, lines 23-25; page 32, line 31-page 33, line 6). Each of the plurality of locations may be a random location within a group of available placement locations at which the watermark to title data has properties meeting at least one criterion (page 30, line 23-28).

### **C) Independent Claim 140**

Independent claim 140 relates to a method of watermarking title data with identification data (page 30, lines 14-19, Fig. 6). The method includes identifying a plurality of locations in the title data based on properties of the title data (page 30, line 23-28; Fig. 6, element 114). From the identified locations, a subset of placement locations is randomly selected (page 31, lines 28-29; Fig. 6, element 120). For each placement location, a number to frequency modulation relationship is selected (page 31, lines 23-25; Fig. 6, element 122) from a plurality of number to frequency

modulation relationships (page 31, line 20-21). The selected number to frequency modulation relationship is used to modulate the title data (page 32, line 31-page 33, line 6).

Dated: May 27, 2007

Respectfully submitted,

By 

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